

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

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This Document Relates To:

All Actions

Civil Action No. 2:22-cv-01232 (JXN)
(JSA)

MYLAN PHARMACEUTICALS INC.,

Plaintiff,

v.

Civil Action No. 2:22-cv-13087 (JXN)
(JSA)

TEVA PHARMACEUTICALS INDUSTRIES
LTD., *et al.*,

Defendants.

**STIPULATION AND [PROPOSED] ORDER REGARDING PROCEDURE FOR
RESOLUTION OF DISCOVERY DISPUTES BEFORE THE SPECIAL MASTER**

WHEREAS, by Order dated August 21, 2023, the Court appointed former United States District Judge Faith S. Hochberg as the Special Master in the above-captioned actions (ECF No. 109 ¶ 1; ECF No. 128 ¶ 1);

WHEREAS, the Special Master is authorized, *inter alia*, to “oversee the schedule for completion of discovery and all discovery disputes, and motions related thereto, pursuant to procedures for practice that the special master may establish” (*id.* ¶ 2); and

WHEREAS, it is in the interest of all parties to streamline the discovery process and to facilitate the efficient and expeditious resolution of discovery disputes;

IT IS HEREBY STIPULATED AND AGREED by and among the parties, subject to approval of the Court, that the following procedure shall govern the submission and resolution of

discovery disputes:

1. Any party or non-party wishing to bring a discovery dispute before the Special Master shall, pursuant to Local Civil Rule 37.1, first meet and confer with the opposing party or non-party in a good faith effort to resolve the dispute without the intervention of the Special Master.

2. If meet and confer efforts fail to resolve the discovery dispute, the moving party or non-party shall file via ECF a letter brief, not to exceed three single-spaced pages, with text, including footnotes, no smaller than twelve point, setting forth in a plain and concise manner the nature of the dispute, the date(s) and outcome(s) of meet and confers to resolve the dispute, the movant's position and the legal support for that position, and the relief sought. The parties shall make efforts to minimize the submission of voluminous supporting attachments or exhibits.

3. Responsive letter briefs, not to exceed three single-spaced pages, shall be filed via ECF within five business days of the filing of the opening letter brief.

4. The movant shall file a reply letter brief, not to exceed two single-spaced pages, within three business day of the filing of the responsive letter brief(s).

5. After filing the reply letter brief, the moving party shall send file-stamped electronic copies of the opening, responsive, and reply briefs and supporting materials to the Special Master via email (judgehochberg@judgehochberg.com), with copies to Victoria Coyle (victoriacoyle@victoriacoyle.com), Daniela Thomas (daniela@judgehochberg.com), all counsel of record, and, where applicable, non-parties. Upon request by the Special Master, the moving party shall also provide hard copies of the briefs and supporting materials.

6. Discovery disputes may be ruled upon without oral argument or heard by video

conference at the Special Master's discretion.

7. To the extent oral argument for such discovery disputes is scheduled, the movant shall provide a video conferencing link and organize a court reporter to be present. The costs associated with the motion, including fees by the Special Master and the court reporter, shall be split according to the order of the Special Master dated November 22, 2023 (40% to Teva, 30% to Mylan, and 30% to the class plaintiffs).

8. If a dispute arises during the course of a deposition, any party or non-party may contact the Special Master during or immediately after the deposition in order to seek her immediate intervention and resolution of the dispute. It is anticipated that such disputes will be resolved by oral ruling unless the Special Master directs otherwise.

9. The Special Master shall enter an order setting forth her ruling on any discovery dispute, explaining the reasons for it in sufficient detail to enable the Court to evaluate and review the ruling. This order may be delivered orally on the record before a court reporter. Upon entry, the Special Master shall promptly submit a copy to the Clerk for entry on the docket and serve it by email on all counsel of record (and, if applicable, non-parties).

Dated: December 4, 2023

Respectfully submitted,

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SO ORDERED

Date:

Hon. Jessica S. Allen, U.S.M.J.